



BEER INSTITUTE

CODE COMPLIANCE REVIEW BOARD COMPLAINT FORM

The Code Compliance Review Board has been established to review concerns from the public that a brewer's advertisements or marketing materials are inconsistent with the Beer Institute Advertising and Marketing Code, and that attempts to resolve those concerns directly with the responsible brewer have been unsuccessful.

To request review of a brewer's advertisement or marketing material by the Code Compliance Review Board, please review the introductory provisions of the Code, provide your contact information, and complete the complaint section.

You must complete a separate form for each advertisement or marketing material you would like the Board to review.

You can e-mail any questions about the complaint review process to adcode@beerinstitute.org.

Please read the Advertising and Marketing Code to gain background information on the Code that should help you understand the scope and purpose of the complaint review process.

Name: George Hacker

Organization you
Represent (if any): Company Center for Science in the Public Interest

Address: 1875 Conn., Ave., NW Suite 300 Washington DC 20009-5728

Daytime Phone: 202-777-8343 Evening Phone: _____

Fax: 202-265-4954 E-mail address: ghacker@cspinet.org

Are you over the age of 21? Yes No

Please identify the name or title of the advertisement or describe the marketing material that is the subject matter of your complaint:

Internet advertising for Sparks alcoholic-energy drinks on Heavy.com

Please identify the name of the brewer associated with the advertisement or marketing material:

MillerCoors

What was the format of the advertisement or type of marketing material?

(Television; Radio; Billboard; Newspaper or Magazine Ad; Internet or other cyberspace media; Sign, display, or other material at a retail location; Licensed promotional clothing or other merchandise; Direct mail; Poster or handbill)

Internet

Have you contacted the brewer directly? Yes No



3939 W. HIGHLAND BLVD., P.O. BOX 482
MILWAUKEE, WI 53201-0482
414.931.2000
www.MillerCoors.com

VIA E-MAIL

October 21, 2008

Mr. William H. Cunningham
Chairman
Beer Institute Code Compliance Review Board
122 C Street NW
Suite 350
Washington, D.C. 20001

Dear Chairman Cunningham:

MillerCoors is in receipt of the CCRB complaint filed by Mr. George Hacker regarding certain Sparks advertising on the website Heavy.com. However, as was immediately conveyed to Mr. Hacker by letter dated September 12, 2008 (which letter has already been provided to the CCRB), MillerCoors agreed with Mr. Hacker that the content contained in the "Tiny Entourage" videos was not something with which it wanted to be closely associated. Therefore, MillerCoors promptly removed the identified Sparks advertising upon receipt of Mr. Hacker's initial complaint to MillerCoors. In fact, Mr. Hacker and the Center for Science and the Public Interest issued a press release on September 12, 2008 publicizing the fact of the prompt removal of the Sparks advertising.

Therefore, since MillerCoors permanently discontinued any broadcast of the referenced advertising at issue on September 11, 2008, several weeks before receipt of the complaint filed by Mr. Hacker with the CCRB, the matter should be considered resolved without the need for further CCRB review.

Please let me know if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Kelly H. Grebe" with a small "(y)" written below the name.

Kelly H. Grebe
Associate General Counsel

September 11, 2008

W. Leo Kiely, III, CEO
MillerCoors Brewing Corporation
3939 West Highland Boulevard
Milwaukee, WI 53208

Re: Internet Marketing of Sparks

Dear Mr. Kiely:

We are writing to demand that MillerCoors Brewing Corporation immediately discontinue its youth-oriented and egregiously tasteless promotion of Sparks products on the website, www.heavy.com.

Sparks' sponsorship of several videos on the web site associates the product with illegal drug use; crude, vulgar, and offensive language; degrading images of women; and gratuitous and explicit sexual activity. The "Tiny Entourage" videos, parodies of the HBO, late-night "Entourage" series, function as ads for Sparks products, which are present throughout. In addition, the videos appear constantly within a frame of Sparks advertising, much of it using off-beat, colorful, youth-oriented language. That wrap-around advertising also links directly to the Sparks website, which any visitor can enter by providing a birth date that makes them seem, correctly or not, 21 years or older.

Although underage persons may not be the sole targets of this sponsorship, they are unquestionably a sizable part of the intended audience. Unlike the actual "Entourage" show that broadcasts at 10 PM on HBO, www.heavy.com is available 24 hours a day. The drugs, sex, and humor have clear appeal for young people, including many below the minimum legal drinking age. Notably, the company website touts Heavy.com as "one of the Web's leading destinations for men 18-34," and claims that "the Heavy Men's Network reach[es] over 17MM men ages 18-34 through music, urban lifestyle, gaming and comedy." Certainly, the sophomoric and raunchy language and drug images in "Tiny Entourage" are designed to appeal to male teens more than to grownups.

The Sparks ads fall far short of one of the basic principles of the Beer Institute's Advertising and Marketing Code ("Brewers should adhere to contemporary standards of good taste applicable to all commercial advertising"). Sparks advertising also directly violates provision 5a of the Beer Institute's Advertising and Marketing Code:

[Beer advertising and marketing materials] should not contain language or images that are lewd and indecent in the context presented and the medium in which the material appears.

The “Tiny Entourage: Hot Tub Cougar Action” video includes terms such as “fuck,” “blow job,” “hold your dick,” and “fat whore,” and images of explicit sex.

Other videos on the site, also sponsored by Sparks, present edgy, juvenile humor and music, including cartoons clearly attractive to teenagers. The Sparks ads adjacent to the video screen also have a decidedly teenage appeal. They read, in multi-colored, irregular block letters: “INGREDIENTS: ALCOHOL + CAFFEINE + MAKE THAT PARTY WORK + SURROUNDED BY HOTTIES + VICTORY DANCE + CHECK THIS OUT = [image of Sparks can].COM” and “ALCOHOL + CAFFEINE + DOWN FOR WHATEVER.= [image of crushed Sparks can].COM.”

The title above one screen featuring six young faces with Sparks “blindfolds” and orange tongues, seemingly printed by hand on masking tape attached to the image, reads: “ALCOHOL + CAFFEINE + DOWN FOR WHATEVER = SPARKS.” Each character apparently has a can of Sparks in hand.

The Federal Trade Commission, in its September 2008 report, “Self-Regulation in the Alcohol Industry,” reiterated its admonition that alcohol producers avoid online content that is likely to appeal to minors and called on alcohol marketers to consider instituting age verification, rather than simple screening mechanisms to help block underage access to those sites. Neither the Sparks web site nor www.heavy.com makes any effort to avoid online content that is likely to appeal to minors.

MillerCoors has reached new depths of irresponsibility in its marketing of caffeinated alcoholic beverages that put young people at risk for serious health and safety problems. We call on you to act immediately to clean up advertising for Sparks and, as CSPI’s lawsuit against your company asks, pull these harmful products off the market.

Sincerely,

George A. Hacker
Director
Alcohol Policies Project

cc Beer Institute
Federal Trade Commission
MolsonCoors Brewing Co. Board of Directors
Graham Mackay, CEO SABMiller
SABMiller Board of Directors
National Association of Attorneys General Special Committee on Youth Access to Alcohol
WHO



PO Box 4030 | 3939 W. Highland Blvd.
Golden, CO 80401 | Milwaukee, WI 53208

VIA FACSIMILE

September 12, 2008

Mr. George Hacker
Center for Science and the Public Interest
1875 Connecticut Avenue, NW
Suite 300
Washington DC 20009

RE: Complaint re Internet Marketing of Sparks

Dear Mr. Hacker:

Your letter to Mr. Kiely on behalf of the Center for Science and the Public Interest ("CSPP") regarding the Sparks advertising on www.heavy.com has been referred to me for review and reply. Please be assured that we welcome and appreciate your comments and concerns as MillerCoors is steadfast in its commitment to ensuring that all of its advertising and marketing is responsible and directed only to adults of legal drinking age. From previous interactions, I know that you are familiar with Miller's internal advertising pre-clearance process called the Marketing Compliance Program ("MCP"), which has been adopted by MillerCoors. The MCP, among other things, is designed to ensure that Miller's advertising and marketing comports with the requirements of the Beer Institute Advertising and Marketing Code ("BI Code").

Upon receipt of your letter, we immediately reviewed the referenced Sparks advertising on www.heavy.com and while the "Tiny Entourage" videos themselves are not subject to the Beer Institute Advertising and Marketing Code, having been independently developed by www.heavy.com, we agree with you that the content of the videos is not something with which MillerCoors wishes its brand to be so closely associated. Therefore, while the content was not developed by MillerCoors, the wrap-around advertising and other Sparks indicia could be construed as indicating an approval of such content. Accordingly, the referenced Sparks advertising has been removed from www.heavy.com effective immediately. Thank you for so promptly bringing this to our attention.

Please be advised that while we wholeheartedly agree with your comments regarding the specific content on www.heavy.com, we do not agree that advertising on www.heavy.com primarily appeals to persons under the legal drinking age nor that www.heavy.com is primarily directed at persons under the legal drinking age. In fact, the demographic information for www.heavy.com, as published by ComScore (standard syndicated online audience reporting tool) consistently shows that more than 70% of its unique visitors are over the legal drinking age and almost 50% are over the age of 35. Additionally, we do not agree that the use of "multi-colored, irregular block letters" has a "decidedly teenage appeal." Such treatments have been used by advertisers for generations and have appeal to all demographics.

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While we will have to agree to disagree regarding some aspects of Sparks advertising, we believe that the removal of the advertising from www.heavy.com addresses your immediate concerns. However, in the event you wish to pursue your complaint further, you may request a review by the Beer Institute Code Compliance Review Board by completing the Complaint Form at www.beerinstitute.org.

Sincerely,



Kelly H. Grebe
Associate General Counsel

Cc: Beer Institute
Federal Trade Commission
National Association of Attorneys General Special Committee on Youth Access to Alcohol
Leo Kiely

October 27, 2008

Mr. George Hacker
Center for Science in the Public Interest
1875 Connecticut Avenue NW, Suite 300
Washington, D.C. 20009

Dear Mr. Hacker:

I write in reference to your complaint to the Beer Institute's Code Compliance Review Board concerning the MillerCoors Internet advertising for Sparks alcoholic-energy drinks on Heavy.com.

I received a letter dated October 21 from Kelly Grebe, Associate General Counsel of MillerCoors. Ms. Grebe indicates that MillerCoors believes "that the content contained in the 'Tiny Entourage' video was not something with which it wanted to be closely associated." The letter goes on to state that "MillerCoors promptly removed the identified Sparks advertising upon receipt of Mr. Hacker's initial complaint to MillerCoors. In fact, Mr. Hacker and the Center for Science and the Public Interest issued a press release on September 12, 2008 publicizing the fact of the prompt removal of the Sparks advertising."

The purpose of the Code Compliance Review Board (CCRB) is to review advertising and marketing materials in which there is a disagreement between an individual or organization and a beer producer concerning whether or not specific advertisement(s) or marketing material(s) are consistent with the industry's Advertising and Marketing Code. In this case, MillerCoors agrees with you that the "Tiny Entourage" video should be withdrawn and it has withdrawn the video. Therefore, the CCRB considers the issue moot and the case closed.

Sincerely,

William H. Cunningham
Chairman

WHC/cs

xc: Ms. Rory Davies

Ms. Gloria Rodriguez

Mr. Paul Summers